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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 GARY G. HAMPTON, JR.,

12 Plaintiff,

13 v.

14 CARRILLO, et al.,

15 Defendants.
16

No. 2:24-cv-2504-DJC-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion for clarification regarding filing
19 fees. See ECF No. 7. Plaintiff's motion will be granted to the extent the Court herein clarifies
20 the status of filing fees.

21 Plaintiff's claims in this case were first presented in Hampton v. Alkire, et al.,
22 2:22-cv-1418-DMC-P (Hampton I). See ECF No. 1 in Hampton I. Plaintiff's motion for in
23 forma pauperis status in Hampton I was granted and the Court ordered Plaintiff's institution to
24 assess monthly installments on Plaintiff's trust account to pay the filing fees. See ECF Nos. 7
25 and 8 in Hampton I. On September 16, 2024, the District Judge granted Defendants' unopposed
26 motion in Hampton I to sever claims. See ECF No. 41 in Hampton I. Pursuant to that order, the
27 above-captioned action (Hampton II) was opened. See ECF No. 1 in Hampton II. Plaintiff was
28 directed to resolve the fees status for Hampton II. See ECF No. 3 in Hampton II. Plaintiff then

1 filed a motion for in forma pauperis status, see ECF No. 6 in Hampton II, which was granted, see
2 ECF No. 14 in Hampton II. As with Hampton I, Plaintiff's institution has been ordered to assess
3 partial monthly installment payments on Plaintiff's trust account to pay the filing fees in full. See
4 id.

5 In the pending motion for clarification, Plaintiff appears to seek an explanation as
6 to why he has been required to, in essence, pay filing fees twice. See ECF No. 7 in Hampton II.
7 Plaintiff's motion will be granted insofar as Plaintiff is informed that, for each separate action, he
8 must pay the required filing fees. While Plaintiff initiated his claims in Hampton I and Hampton
9 II with a single complaint, those claims were severed into two separate actions because claims
10 had been misjoined. Plaintiff cannot avoid the requirement to pay filing fees for each separate
11 action by improperly joining what should have been separately filed actions into a single
12 pleading. To allow otherwise would result in circumvention in Congress' intent under the Prison
13 Litigation Reform Act in imposing the filing fee requirement in prisoner actions.

14 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for clarification,
15 ECF No. 7, is GRANTED to the extent the Court herein explains the fee status for Hampton I and
16 Hampton II.

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18 **Dated: August 21, 2025**


DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE